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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Indonesia: Right to freedom of assembly and association acknowledged, but not protected

1. Despite Indonesia's Law No. 9 of 1998 guaranteeing freedom of expression in public areas, the protection of the right to freedom of assembly and association in the country remains fragile. In the last three years there have been frequent brutal attacks and forced dispersing of peaceful demonstrations, film screenings, and public discussions initiated by labour, land, and environmental activists, as well as prayer meetings organized by religious groups. Citizens and activists meeting to express their political opinion are also subjected to attacks, particularly in the province of Papua.

2. According to national NGOs, Indonesian Forum for the Environment (WALHI), and the Commission for Disappearances and Victims of Violence (KontraS), forced dissolution and fabricated cases are the usual means to intimidate public protests organized by local peasant and indigenous groups fighting for land and environment rights. This was seen in the Karawang Regency, West Java Province in 2014, when some 1,200 local peasants joined peaceful protests against land confiscation by the private company PT Agung Podomoro, allegedly supported by the Regent of Karawang and local police. To disperse the protest, the police shot the farmers with rubber bullets, seriously injuring one farmer while seven others were victims of brutal kicking and beating.

3. Similar circumstances were documented by human rights groups in relation to labour activists. One such case occurred with hundreds of labourers conducting peaceful demonstrations in Cikarang Regency, West Java Province, on 30 October 2013. Suddenly, they were attacked by thugs allegedly from Pemuda Pancasila (Pancasila Youth Group), a paramilitary organisation. According to the Confederation of Indonesian Workers Union (KSPSI), the thugs gathered around the Military Sub-District office before they brutally attacked and stabbed the labourers. Eleven workers were seriously injured while 17 were hospitalized. Two others were stabbed on their left hip, while five were jabbed in the back.

4. The right to freedom of association and assembly of religious and minority groups in Indonesia is also greatly restricted and violated, with many groups and individuals facing murder, forced eviction, dispersion, and the sealing of their places of worship during the past three years. The congregation of the Yasmin Church in Bogor Regency, West Java for instance, was not allowed to enter the Church, and when they conducted their worship outside, thugs and anti-tolerant groups forcibly dispersed them. Violence against the Shiite community in 2012 in Sampang Regency, East Java, resulted in the death of two men, Mochamad Kosim, 50, and his brother Tohir, 46, due to machete wounds. At least four other Shiites were injured during the attack. Ahmadiyya congregants were forcibly dispersed in Yogyakarta Province and Makassar, South Sulawesi Province in 2013. The Filadelfia Church in Bekasi Regency was sealed off, as were 16 places of worship in Singkil, Aceh.

5. Frequent dispersals of public discussions and movie screenings have occurred in 2015. On 22 February 2015, the association of victims of the 1965 massacre in Padang, West Sumatra Province, were intimidated and forcibly dispersed while meeting with KontraS and other human rights organizations. They were accused of promoting communist ideology. The Islamic Defender Front (FPI), an extremist, anti-tolerant organization meanwhile, continues to conduct forced dispersals. In Jember Regency, East Java Province, for instance, the FPI forcibly stopped screenings of the movie "Senyap" ("Look of Silence"). According to the FPI, the movie has communist ideological content, and the screenings were therefore stopped.

6. People in Papua and West Papua continue to face extreme restrictions on exercising their civil and political rights. The police announcement that public demonstrations cannot be held by organizations not registered with the office of National and Political Unity, and those associated with separatist groups, has caused considerable rights abuse. In accordance with this, on 4 April 2014 the police forcibly dispersed a peaceful student demonstration at the University of Cendrawasih in Jayapura, Papua. The police argued that the student organization is not registered, as required by Law No. 8 of 1985 on Mass Organizations. Two students were arrested and allegedly tortured during the dispersal.

7. Twelve students distributing invitations to a peaceful demonstration in Manokwari, West Papua, were arrested by local police on 30 April 2015. The students were members of the West Papua National Committee (KNPB), a civil

society organisation. The following day, the police arrested 200 protesters on their way to attend a demonstration near the office of the Papua Customary Council (Dewan Adat Papua) in Manokwari. Also on 1 May 2015, the police and military violently dispersed peaceful demonstrators in Kaimana City, while arresting two KNPB activists. Fifteen KNPB activists were also arrested by the police in Papua, together with one member of the Regional Peoples Parliament (RPD) in Merauke regency. In Jayapura City, police arrested 30 KNPB activists as they were heading to the local parliament office. According to the police, all of these persons were arrested because they did not have a permit to hold demonstrations.

8. In light of the above, the Asian Legal Resource Centre (ALRC) recommends that the Human Rights Council urge the Indonesian government to:

a. Ensure that the right to freedom of assembly and association is protected, as guaranteed by the Indonesian Constitution and the International Covenant on Civil and Political Rights adopted by the government. In particular, the government must end the practice of criminal charges brought against civilians exercising their right to assemble and associate;
b. Take effective steps to prosecute and punish all those who violate and restrict the right to freedom of assembly and association;
c. Review and repeal all legislation that restricts or denies the right to freedom of assembly and association.